

REMARKS

To further prosecution of the present application, Applicants have amended herein Claims 22-23, 40, and 45-46, cancelled herein Claims 25 and 50, and added herein new Claim 52. Applicants respectfully request reconsideration.

The amendments to Claims 22-23, 40, and 45-46 do not add subject matter. Amendments to independent Claims 22 and 40 have antecedent basis in the application specification at page 32, lines 1-2; page 35, lines 19-21; page 39, line 8 to page 40, line 10; and Figures 7-8, 10-12, and 15.

Claims 22-23, 26-35, 38-41, 45-49, and 52 are currently pending with Claims 22 and 40 in independent form. Claim 51 has been allowed. Applicants wish to thank the Examiner for his allowance of independent Claim 51.

Drawings

In the Office Action, the Examiner indicated that Replacement Sheet 5/18 does not show line B-B with the necessary directional indicators at its ends. Applicants resubmit herewith Replacement Sheet 5/18 including line B-B with the directional indicators. Applicants respectfully request entrance of Replacement Sheet 5/18 into the record and withdrawal of the objection to the drawing.

Rejection of Claims 46 and 47 under 35 U.S.C. § 112

The Examiner rejected Claims 46 and 47 under § 112, second paragraph. Applicants have amended herein Claims 46 and 47 to limit the first and second portions to be consistent with Claim 45 from which Claims 46 and 47 directly depend. In view of the amendments, Applicants respectfully request withdrawal of the rejection of Claims 46 and 47.

Rejection of Claims 40, 41, 45-47 and 49 under 35 U.S.C. § 102(e)

Claims 40, 41, 45-47 and 49 are rejected as being anticipated by U.S. Publication No. 2006/0059643 A1, filed on behalf of Jimenez (“Jimenez”). Applicants respectfully traverse the rejection of Claims 40, 41, 45-47 and 49.

In particular, amended independent Claim 40 is directed to a system for containing an item and for displaying operation of the contained item. The system comprises an item

having one or more moving elements and configured such that at least a portion of the item is contained within a packaging assembly. The packaging assembly includes a housing and an insert card connected to the housing. The insert card is substantially planar to support the housing and is extending the length of the housing and further extending from the housing to an area external to the internal configuration of the housing. The insert card defines an aperture configured to receive at least the portion of the item and the housing, and further defines along a perimeter edge that defines the aperture two diametrically opposed tabs extending inwardly toward the aperture. Each tab is disposed and configured such that at least a portion of one of the tabs inserts into a recess defined in an outer surface of the item.

Applicants respectfully submit that Jimenez does not anticipate each and every element of Claim 40 as is required under § 102(e). More particularly, Jimenez does not disclose, teach, or suggest, the combination of the housing and the insert card, nor the insert card alone, as specified in Claim 40. For at least these reasons, Applicants submit that Claim 40 is patentable over Jimenez. Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 40 under § 102(e).

Claims 41, 45-47 and 49 depend from Claim 40 and are patentable for the reasons give above. Applicants therefore request withdrawal of the rejection of these claims.

Rejection of Claims 22, 23, 25-35, 38, 39 and 50 under 35 U.S.C. § 103(a)

Claims 22, 23, 25-35, 38, 39 and 50 are rejected under § 103(a) as being unpatentable over U.S. 6,276,529 issued to Feehan, Jr. (“Feehan”) in view of U.S. 4,721,208 issued to Thorpe (“Thorpe”) and U.S. 5,595,295 issued to Lin (“Lin”). Claims 25 and 50 have been cancelled herein. Applicants respectfully traverse the rejection of the Claims under § 103(a) because none of the cited prior art references alone or in the suggested combination disclose, teach, or suggest at least the limitation to the insert card as specified in independent Claim 22.

More particularly, the insert card of Claim 22 extends the length of the housing and further extends from the housing to an area external to the chamber and the housing. The insert card defines an aperture configured to receive at least a portion of the chamber and to accommodate the chamber of the housing. At least two diametrically opposed tabs are disposed along an edge of the insert card defining the aperture. Each tab extends inwardly

toward the aperture and is disposed and configured such that at least a portion of one of the tabs inserts into a recess defined in an outer surface of the product so as to retain and position the product, when at least the portion of the product is disposed within the chamber, in a substantially upright position within the chamber relative to the first and second ends of the housing and to permit the another portion of the product to extend from the second open end of the housing.

In contrast, Feehan discloses an instructional insert 15 disposed generally within the upper portion of the article-receiving region 3 and at least partly overlying the article 16. (col. 8:5-7). The insert 15 is retained underneath upper wall 2 by a retaining structure 20 on upper wall 2. (col. 8:10-11). A sheet-like portion 15a of the insert 15 is between the upper and lower halves of the article-receiving region 3, and between the upper and lower walls 2, 2'. (col. 8:16-19). The insert 15 includes a cut-out portion 15b that fits around the article 16 and a further portion 15c that arches like a banner over the article 16. (col. 8:24-27). Feehan therefore does not disclose, teach, or suggest the insert card specified in Claim 22.

In addition, neither Thorpe nor Lin correct the deficiencies of Feehan.

Thus, Applicants respectfully submit that Claim 22 is patentable over the cited prior art references, alone or in the combination suggested in the Office Action. Accordingly, the rejection of Claim 22 should be withdrawn.

Claims 23, 26-35, and 38-39 depend from Claim 22 and are patentable for at least the same reasons give above.

Rejection of Claims 40, 41, and 45-48 under 35 U.S.C. § 103(a)

Claims 40, 41, and 45-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,681,932 issued to Bradfield (“Bradfield”) in view of U.S. 5,979,652 issued to Rösler (“Rösler”). Applicants respectfully traverse the rejection of Claim 40 because none of the cited prior art references alone or in the suggested combination disclose, teach, or suggest at least the limitation to the insert card as specified in independent Claim 40.

More particularly, the insert card of Claim 40 is connected to the housing and is substantially planar to support the housing. The insert card extends the length of the housing and further extends from the housing to an area external to the internal configuration of the housing. The insert card defines an aperture configured to receive at least the portion of the

item and the housing. The insert card further defines along a perimeter edge that defines the aperture two diametrically opposed tabs extending inwardly toward the aperture. Each tab is disposed and configured such that at least a portion of one of the tabs inserts into a recess defined in an outer surface of the item so as to retain and position the item, when at least the portion of the item is disposed within the housing, in a substantially upright position within the housing relative to the length of the housing.

In contrast, Bradfield discloses a container 14 movably mounted on a support body 12 for movement between a display position as shown in Figure 1 to a utility position as shown in Figure 2, converting the hanger 10 from a display mode to utility mode. (col. 2:11-15). As shown in Figure 1, the support body 12 permits the knife 15 to extend downwardly from the container 14 through the top 24 and is retained by retention means, namely, in the form of a screw 41, to prevent withdrawal of the knife 15 from the container 14. (col. 2:36-38). As shown in Figure 2, the container 14 in its utility position includes the top 24 facing upward to receive and retain the head of the knife 15. However, the combination of the container 14 and the support body 12 does not disclose, teach, or suggest at least the insert card as specified in Claim 40.

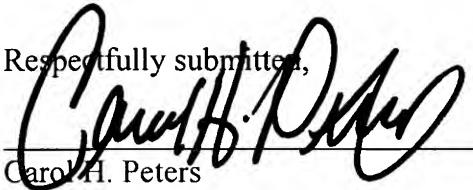
Rösler does not correct the deficiencies of Bradfield.

Therefore, Applicants respectfully submit Claim 22 is patentable over the cited prior art references, alone or in the combination suggested in the Office Action. Accordingly, the rejection of Claim 40 should be withdrawn.

Claims 41, and 45-48 depend from Claim 40 and are patentable for at least the same reasons given above. In addition, new Claim 52 depends from Claim 40 and is patentable for at least these same reasons.

Based upon the foregoing amendments and discussion, Applicants respectfully submit that the present application is in condition for allowance, and an action to this effect is respectfully requested. Should the Examiner have any questions concerning this response, he is invited to telephone the undersigned.

Respectfully submitted,


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